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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/540,353	02/10/2006	Terje Moldestad	P17015-US1	2578		
27045	7590	03/25/2010	EXAMINER			
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				NG, FAN		
ART UNIT		PAPER NUMBER				
2471						
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03/25/2010		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments, see page 4-7, and filed on 02/22/2010, with respect to prior art rejections, have been fully considered but they are not persuasive.

#### **Regarding to applicant's arguments for the 35 U.S.C. §103 rejection:**

2. **Regarding to applicant argument on page 4**, line 3-5, applicant argues that “the present invention encapsulates the time slots in a data frame adjusted to be transferred in the packet switched network”, and Kuehnel (prior art) is silent about above.

**In response to applicant's argument**, the examiner respectfully disagrees with the argument above.

As show in fig.1 time slots #3, #5 or #7 are encapsulated in packet #1 and will be transferred in to fig. 2, #13 which is a MPLS network (packet switch network).

3. **Regarding to applicant argument on page 4**, 3<sup>rd</sup> paragraph, applicant argues that current invention distinguish the inner and outer MPLS label, Kuehnel (prior art) does not, and argued examiner refer to Kuehnel's fig. 4B S15 to teach above limitation.

**In response to applicant's argument**, the examiner respectfully disagrees with the argument above.

As refer to office action mailed on 11/20/2009, examiner could not find any evidence that fig. 4B S15 has been used to teach any limitation.

4. **Regarding to applicant argument on page 5-6**, applicant repeatedly argues that current invention distinguish the inner and outer MPLS label, Kuehnel (prior art) does not, because fig. 1 #5 (the IP header as examiner refers to inner MPEL packet), is not an inner packet since an IP packet that is given an MPLS label when entering the MPLS network.

**In response to applicant's argument**, the examiner respectfully disagrees with the argument above.

Since the definition of inner MPLS given in claim 2 of current application and arguments filed on 02/22/2010 as “address a unique PCM system”. Where IP header has an unique destination address, the only different is the name as one being IP header and another being inner MPLS label, and the functionality is the same, in addition, inner MPLS label is not a standard terminology and without further clarification, what does inner MPLS actually is, it can be consider equivalent as an IP header.

5. **Regarding to applicant argument on page 6-7**, applicant argues there is no reason to combine Kuehnel and Li.

**In response to applicant's argument**, the examiner respectfully disagrees with the argument above.

Please refer to MPEP 2143 (D) (G) "Basic Requirements of a Prima Facie Case of Obviousness"

The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

*(D) Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results.*

*(G) Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.*

Kuehnel teaches every step in the method, and suggest transformation between circuit switch and packet switch ([0004-0005]), and on the output side, data can be output to either circuit or packet switch network as showed in fig. 4B, where packet is transferred from packet switch network to non-packet switch network. The only part Kuehnel missing is to use the term TDMA and PCM. But Li transfers data using those protocols ([0003, 0007-0008]).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fan Ng whose telephone number is (571) 270-3690. The examiner can normally be reached on Monday-Friday; 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. N./  
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